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09/879,354	06/12/2001	Yoshinori Taniwaki	450100-03282	3898

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NEW YORK, NY 10151

EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,354

Applicant(s)

TANIWAKI, YOSHINORI

Examiner

CUONG T THAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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PART III. DETAILED ACTION

1. Claims 1-14 are presented for examination.

Specification

Drawings Objection

2. The drawings of Figs. 3A-3B are objected to because they are missing the text labels such as: audience terminal 12, seat 120 (see Fig. 3A); audience terminal 12, small display 12d, input key 12e, and card insert slot 12g (see Fig. 3B). Corrections are required.

Claims Objection

3. Claim 1 is objected to minor informality:

Claim 1, line 16 and line 22, for better clarifying functionality purpose it is suggested that applicants replace "transmitting/receiving" by "transmitting and receiving".

Abstract Objection

4. The abstract of the disclosure is objected to because it merely interpreting the scoped or meaning of the claims. Correction is required. See MPEP § 608.01(b).

The abstract is objected to because it is a mere recitation of the claims and fails to describe the entire disclosure in a sufficiency manner.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

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the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprout et al. (USPN: 6,409,599) hereinafter Sprout in view of Spagna et al. (USPN: 6,587,837) hereinafter Spagna.

As per claims 1 (system) and 9 (method), Sprout discloses an audience information collecting system for providing information to an audience member at a venue where a performance including a movie or a theater production is presented and for collecting information from the audience member as the technique of the Virtual Reality Performance Theater (VRPT) shows the three way communication amongst and between the participants, the performers, and the immersion virtual reality environment (see col. 6, lines 16-20), comprising:

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An audience terminal is taught by Sprout as the technique of handheld input device 16 (see col. 6, lines 55-56), comprising:

Providing information output means for outputting provided information to the audience member is taught by Sprout as the technique of a visual display of the immersion environment to each of the participants through one or two cathode ray tube (CRT), one or two liquid crystal display (LCD) (see col. 6, lines 56-59);

Response information input means for inputting predetermined response information given by the audience member in response to the provided information is taught by Sprout as the technique of hand-held input device 16 is used in the preferred embodiment of the present invention to facilitate user responses. Hand-held input device 16 is shown as a keypad and includes a plurality of buttons 80 which contain labels that correspond with possible answers or inputs to questions posed by the live performers and/or virtual reality environment (see col. 8, lines 7-13);

Sprout, however, does not disclose the limitations of personal information reading means for reading personal information from a storage medium having stored therein beforehand the personal information of the audience member; first transmitting and receiving means for receiving the provided information and for transmitting the response information and the personal information; and an information collecting unit comprising: provided information storage means for storing the provided information; second transmitting and receiving means for transmitting the provided information and for receiving the response information and the personal information; and compiling

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means for creating a compiled result of the response information and the personal information.

Spagna discloses the limitation of personal information reading means for reading personal information from a storage medium having stored therein beforehand the personal information of the audience member as the technique of Transaction Data 642 in Fig. 6 represents both the Transaction ID and the End-User(s) name (see col. 26, lines 34-35); the limitation of first transmitting and receiving means for receiving the provided information and for transmitting the response information and the personal information is taught by Spagna as the technique of after the completion of the Content-purchase transaction between the End-User Device(s) 109 and the Electronic Digital Contents Stores(s) 103, The Electronic Digital Contents Stores(s) 103 creates and transfers to the End User Device(s) 109 a Transaction SC(s) 640. The Transaction SC 640 includes a unique Transaction ID 535, the purchase's name (see col. 26, lines 25-31); and the limitation of an information collecting unit comprising: provided information storage means for storing the provided information is taught by Spagna as the technique of after the completion of the Content-purchase transaction between the End-User Device(s) 109 and the Electronic Digital Contents Stores(s) 103, The Electronic Digital Contents Stores(s) 103 creates and transfers to the End User Device(s) 109 a Transaction SC(s) 640 (see col. 26, lines 25-29); the limitation of second transmitting and receiving means for transmitting the provided information and for receiving the response information and the personal information is taught by Spagna as the technique of the Electronic Digital Content Store(s) has downloaded the End-User

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Player Application 195 to an End-User Device(s) 109 based on standard Web protocols (see col. 25, lines 50-53), the End-User(s) completes shopping they submit the purchase to the Electronic Digital Content Store(s) 103 for processing (see col. 21, lines 42-44), and after the completion of the Content-purchase transaction between the End-User Device(s) 109 and the Electronic Digital Contents Stores(s) 103, The Electronic Digital Contents Stores(s) 103 creates and transfers to the End User Device(s) 109 a Transaction SC(s) 640. The Transaction SC 640 includes a unique Transaction ID 535, the purchase's name (see col. 26, lines 25-31); and the limitation of compiling means for creating a compiled result of the response information and the personal information is taught by Spagna as the technique of the Clearinghouse(s) 105 maintain a Audit Logs 150 of information for each operation that is performed during the Content 113 purchase transactions and report request transaction (see col. 48, lines 31-34).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teachings of personal information reading for reading the personal information of the audience member; first transmitting and receiving means for receiving the provided information and for transmitting the response information and the personal information; and information storage means for storing the provided information; second transmitting and receiving means for transmitting the provided information and for receiving the response information and the personal information; and compiling means for creating a compiled result of the response information and the personal information into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing user easy to make collection of

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interesting items, perform purchasing with proper unique identification while watching a movie.

As per claim 2, the limitation of wherein said audience terminal is installed at each seat in the venue is taught by Sprout as the technique of performance theater 10 facilitates multiple participants and generally includes for each participant head mounted display 12, microphone 14 mounted to HMD 12, headphone 15 mounted to HMD 12, and hand-held input device 16 (see col. 6, lines 52-56 and see Fig. 3). This claim is therefore rejected for the reason as set forth above.

As per claim 3, Sprout discloses the invention substantially as claimed above. Sprout, however, does not disclose the limitation of wherein compiled result of the response information and the personal information compiled is transmitted via a network to a server of a client who has requested that information be collected.

Spagna discloses the limitation of wherein compiled result of the response information and the personal information compiled is transmitted via a network to a server of a client who has requested that information be collected as the technique of the Clearinghouse(s) 105 maintain a Audit Logs 150 of information for each operation that is performed during the Content 113 purchase transactions and report request transaction (see col. 48, lines 31-34) and the searching and browsing of Content 113 information, previewing of, for example, song clips, and selecting songs for purchasing is all handled via the End-user(s) Web Browser 191 (see col. 83, lines 34-37), and the

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Secure Digital Content Electronic Distribution System 100 is independent of the transmission network connecting the Electronic Digital Content Store(s) 103 and End-User Device(s) 109. It supports both point to point such as the Internet and broadcast distribution (see col. 15, lines 8-12).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teaching of wherein compiled result of the response information and the personal information compiled is transmitted via a network to a server of a client who has requested that information be collected into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing user easily and quickly to make collection of interesting items and to perform purchasing via client-server Web Browser architecture.

As per claim 4, Sprout discloses the invention substantially as claimed above. Sprout, however, does not disclose the limitation of wherein the provided information includes advertisement information for merchandise and the audience member makes a purchase request to purchase the merchandise using response information input means.

Spagna discloses the limitation of wherein the provided information includes advertisement information for merchandise and the audience member makes a purchase request to purchase the merchandise using response information input means as the technique of electronic stores coupled to the network sell licenses to play digital content data to users (see col. 6, lines 35-36) and when the End-User(s) completes

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shopping they submit the purchase request to the Electronic Digital Content Store(s) 103 for processing (see col. 21, lines 42-44).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teaching of wherein the provided information includes advertisement information for merchandise and the audience member makes a purchase request to purchase the merchandise using response information input submit into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing user easily and quickly to make collection for purchasing of interesting items.

As per claim 5, Sprout discloses the invention substantially as claimed above. Sprout, however, does not disclose the limitation of wherein funds are electronically stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information.

Spagna discloses the limitation of wherein funds are electronically stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information as the technique of Account Reconciliation Tool 179, this tool can be updated to provide electronic funds transfers for automated periodic payments to the Content Provider(s) 101 and the Clearinghouse (see col. 81, lines 53-64) and after each electronic item is downloaded. When the Clearinghouse(s)105 is notified it sends a notification to the Electronic Digital

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Content Store(s) 103 so that the Electronic Digital Content Store(s) 103 can charge the End-User(s)' credit card (see col. 50, lines 40-44).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teaching of wherein funds are electronically stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing user easily and quickly to make payment on the items have been purchased.

As per claim 6, Sprout discloses the invention substantially as claimed above. Sprout, however, does not disclose the limitation of wherein said information collecting unit receives and compiles the purchase request from the audience member and transmits the compiled result to a server of a distributor of the merchandise.

Spagna discloses the limitation of wherein said information collecting unit receives and compiles the purchase request from the audience member and transmits the compiled result to a server of a distributor of the merchandise as the technique of the Clearinghouse(s) keeps a record of all transactions and can report them to responsible parties, such as Electronic Digital Content Store(s) 103 and Content Provider(s) 101 (see col. 14, lines 20-23).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teaching of wherein said information collecting unit receives and compiles the purchase request from the audience member and

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transmits the compiled result to a server of a distributor of the merchandise into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing provider(s) and store(s) to know exactly the amount of items have been purchased.

As per claim 8, Sprout discloses the invention substantially as claimed above. Sprout, however, does not disclose the limitation of wherein audience terminal further comprises storage means for temporarily storing the receiving provided information.

Spagna discloses the limitation of wherein audience terminal further comprises storage means for temporarily storing the receiving provided information as the technique of the End-User Device(s) include PCS, set top box, and Internet appliances. These devices may copy the content to external media or portable, consumer devices as permitted by the content proprietors (see col. 9, lines 57-60).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Spagna's teaching of wherein audience terminal further comprises storage means for temporarily storing the receiving provided information into that of Sprout's movie theater invention. By doing so, the system would be enhanced by allowing the end user's device to copy and store content information for future reference.

8. Claims 7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprout et al. (USPN: 6,409,599) hereinafter Sprout in view of Spagna et al. (USPN:

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6,587,837) hereinafter Spagna and further in view of Reimer et al. (USPN: 6,065,042) hereinafter Reimer.

As per claim 7, Sprout-Spagna disclose the invention substantially as claimed above. Sprout-Spagna, however, do not disclose the limitation of wherein the information about the content of the performance is sequentially transmitted as the provided information from said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output means.

Reimer discloses the limitation of wherein the information about the content of the performance is sequentially transmitted as the provided information from said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output means as the technique of for providing on demand access to merchandise information related to a movie, and for providing on demand connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15) and retrieving from the foundation information database foundation specified by the retrieved entry, and presenting the retrieved foundation information to the user. The items contained in the personalized collection include any combination of shots, takes, scenes, clips, audio segments, etc. (see col. 4, lines 5-10).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer teaching of wherein the information about the content of the performance is sequentially transmitted as the provided information from

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said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output into that of Sprout-Spagna combined invention. By doing so, the system would be enhanced by providing the detail information of presentation to an end user while the performance is presented at the venue.

As per claim 10, Sprout-Spagna disclose the invention substantially as claimed above. Sprout discloses the corresponding image is projected onto a screen at the movie theater in association with showing of the image as the technique of the performance is viewed by the participants through virtual reality display devices such as a head mounted display, therein both an immersion graphical environment and live and/or pre-recorded performed are viewed (see abstract). Spagna discloses the limitation of starting product selling for the audience member in response to operation of the audience terminal as the technique of the technique of electronic stores coupled to the network sell licenses to play digital content data to users (see col. 6, lines 35-36) and when the End-User(s) completes shopping they submit the purchase request to the Electronic Digital Content Store(s) 103 for processing (see col. 21, lines 42-44).

Sprout-Spagna, however, do not disclose the limitation of wherein displaying information about related merchandise on an audience terminal at the same time the corresponding image is projected onto a screen at the movie theater.

Reimer discloses the limitation of displaying information about related merchandise on an audience terminal at the same time the corresponding image is

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projected onto a screen at the movie theater as the technique of providing on demand access to merchandise information related to a movie, and for providing on demand connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer's teaching of displaying information about related merchandise on an audience terminal at the same time the corresponding image is projected onto a screen at the movie theater into that of Sprout's movie theater and Spagna's product selling at the audience terminal combined invention. By doing so, the system would be enhanced by starting advertising product selling and displaying information of related merchandise while the movie is represented to an end user.

As per claim 11, Sprout-Spagna disclose the invention substantially as claimed above. Sprout discloses showing images on a screen at the movie theater and displaying on a terminal provided at each seat for the audience member information about screen images a the technique of wherein the technique of the performance is viewed by the participants through virtual reality display devices such as a head mounted display, therein both an immersion graphical environment and live and/or pre-recorded performed are viewed (see abstract) and of performance theater 10 facilitates multiple participants and generally includes for each participant head mounted display 12, microphone 14 mounted to HMD 12, headphone 15 mounted to HMD 12, and hand-

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held input device 16. HMD 12 provides a visual display of the immersion environment to each of the participants (see col. 6, lines 52-57).

Sprout-Spagna, however, do not disclose the limitation of displaying on a terminal provided at each seat for the audience member information about the screened images at the same time the corresponding image is being shown.

Reimer discloses the limitation of displaying information about the screened images at the same time the corresponding image is being shown as the technique of the technique of providing on demand access to merchandise information related to a movie, and for providing on demand connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer's teaching of displaying information about the screened images at the same time the corresponding image is being shown into that of Sprout's audience terminal and further into that of Sprout-Spagna combined invention. By doing so, the system would be enhanced by displaying information of corresponding images at the same time the movie is represented to an end user.

As per claim 12, due to the similarity of the first two limitations of this claim to that of claim 11, except the limitations of receiving, when the audience member inputs information using the terminal which displays the information about the image scenes, the information input by the audience member from the terminal and starting processing requested by the audience member in response to the input information. Sprout-Spagna

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disclose the invention substantially as claimed above. Sprout discloses the limitation of the information input by the audience member from the terminal as the technique of hand-held input device 16 is shown as a keypad and includes a plurality of buttons 80 which contain labels that corresponding with possible answers or inputs to questions could be posed by the live performers (see col. 8, lines 9-13). Spagna discloses the limitations of when the audience member inputs information using the terminal which displays the information about the image scenes as the technique of the End-User Device(s) 109 also provides a variety of additional features and functions like creating play lists, managing the digital content library, displaying information and images during content playback (see col. 82 line 67 to col. 83 line 3) and the limitation of starting processing requested by the audience member in response to the input information as the technique of when the End-User(s) completes shopping they submit the purchase request to the Electronic Digital Content Store(s) for processing (see col. 21, lines 42-44). This claim is therefore rejected for the reason as set forth above.

As per claim 13, due to the similarity of the first three limitations of this claim to that of claim 12, except for the last limitation of compiling the input information to create the information about the image scenes in response to the inputting operation. Sprout-Spagna disclose the invention substantially as claimed above. Sprout-Spagna, however, do not disclose the limitation of compiling the input information to create the information about the image scenes in response to the inputting operation.

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Reimer discloses the limitation of compiling the input information to create the information about the image scenes in response to the inputting operation as the technique of enabling the user to modify a copy decision list associated with the movie. The edit decision list includes an entry for each scene, clip, and take in the movie. The modified edit decision list defines the personalized version of the movie. The personalized version of the movie is presented to the user in response to a request to do so from the user (see col. 3, lines 51-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Reimer's teaching of compiling the input information to create the information about the image scenes in response to the inputting operation into that of Sprout-Spagna combined invention. By doing so, the system would be enhanced by allowing a user capable of modified the movie's components such as frames, scenes, and clips based on user's desired manner. Thus, the system would provide an intuitive edit tool in movie editing to an end user.

As per claim 14, due to the similarity of the first two and the last two limitations of this claim to that of claim 13, except for the limitation of receiving unique information for identifying the audience member is taught by Spagna as the technique of after the completion of the Content-purchase transaction between the End-User Device(s) 109 and the Electronic Digital Contents Stores(s) 103, The Electronic Digital Contents Stores(s) 103 creates and transfers to the End User Device(s) 109 a Transaction SC(s) 640. The Transaction SC 640 includes a unique Transaction ID 535, the purchase's

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name (see col. 26, lines 25-31). This claim is therefore rejected for the reason as set forth above in combination with the reasons applied to claim 13.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a technique of allowing user to interact with theater performers and personalized collecting advertising items in commercial movie industry.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 872-9306 (Official Communication)

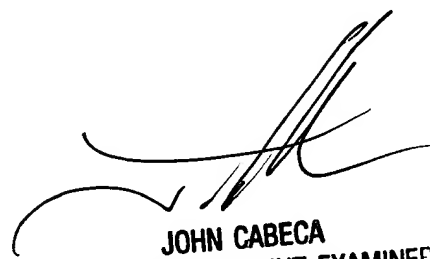
(703) 746-7240 (For status inquiries, Draft Communication).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI
Examiner
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December 07, 2003.



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100